



BENNETT, GIULIANO, MCDONNELL, & PERRONE, LLP
 Attorneys for Defendants
Carlsen Motor Cars, Inc., Carlsen Motor
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William R. Bennett III (WB 1383)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 RENZER BELL,

Plaintiff,

Case no.: 07-CV-11323 (LBS)

- against -

CARLSEN MOTOR CARS, INC.,
 CARLSEN MOTOR CARS, L.L.C.,
 and RICHARD PASQUALI,

Defendants.

-----X
AFFIRMATION OF
WILLIAM R. BENNETT III

WILLIAM R. BENNETT III, being a duly admitted attorney at law in the State of New York, declares the following to be true under penalty of perjury:

1. I am a partner at Bennett, Giuliano, McDonnell & Perrone, LLP, attorneys for Defendants Carlsen Motor Cars, Inc., Carlsen Motor Cars, L.L.C., and Richard Pasquali, and am fully familiar with the proceedings in this case.

2. I make this affirmation in support of Defendants' motion pursuant to Fed.R.Civ.P. 12(b)(5) and (6) to dismiss Plaintiff's Complaint with prejudice. The facts of this case are set forth in the accompanying memorandum of law.

En邵nment
 Affidavit submitted with prejudice,
 So ordered
 Adm for D O'Conor
 USDC

3. Annexed hereto as Exhibit 1 is a true and accurate copy of Plaintiff's Summons and Complaint in the first action (without exhibits attached to the complaint), *Bell v. Carlsen Motor Cars, Inc., et al*, 06-CV-4974 (LBS).

4. Annexed hereto as Exhibit 2 is a true, accurate and complete copy of Magistrate Judge Douglas F. Eaton's Report and Recommendation submitted to Judge Sand dated June 1, 2007.

5. Annexed hereto as Exhibit 3 is a true, accurate and complete copy of the Memorandum and Order dated October 10, 2007 issued by Judge Leonard B. Sand directing Plaintiff to cause an attorney to file a notice of appearance in the case by November 15, 2007.

6. Annexed hereto as Exhibit 4 is a true, accurate and complete copy of the Memorandum and Order dated November 15, 2007 issued by the Honorable Judge Leonard B. Sand dismissing the Plaintiff's complaint without prejudice for failure to comply with the Court's October 10, 2007 Order.

7. Annexed hereto as Exhibit 5 is a true and accurate complete copy of Plaintiff's Summons and Complaint in the instant second *pro se* action (without exhibits attached to the complaint), *Bell v. Carlsen Motor Cars, Inc., et al*, 07-CV-11323 (LBS).

Dated: New York, New York
May 29, 2008



William R. Bennett, III (WB 1383)

To: Renzer Bell
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-and-
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